

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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BRIAN M. WILSON,
Plaintiff,
vs.
AARGON AGENCY, INC, *et al.*,
Defendants.

2:07-cv-00616-LDG-VCF
CONSENT ORDER

THIS MATTER having been called for trial, each party having answered "ready," the trial then commencing, the parties did inform the court that they had reached an agreement to resolve this matter, and they hereby stipulate to the following terms and conditions, it is hereby ORDERED:

(1) The Defendants, and each of them, acknowledges service of the Summons, Complaint and Amended Complaint and agree to the jurisdiction and venue of this Court.

(2) Although the Defendants deny any wrongdoing or liability, they agree that Plaintiff's Amended Complaint states concisely the facts upon which Plaintiff relies in claiming money due from Defendants. Should Plaintiff seek entry of judgment pursuant to Paragraph 5 of this agreement, Defendants will not dispute that the gross judgment amount of [REDACTED] was justly due. Upon an appropriate factual showing, however, Defendants may dispute the credit which should be applied to calculate the judgment.

(3) In the event of nonpayment or breach of settlement terms as detailed in the Confession of Judgment, Plaintiff shall be entitled to a judgment in the amount of [REDACTED] less credits already paid for damages in this Action. Defendant has agreed to make payments on the following schedule: The first payment shall be paid no later than December 23, 2015; followed by payments on or before the 15th day of each successive month, starting with January 15, 2016, and continuing for the next 9 months thereafter, with the final payment on or before October 15, 2016. If the 15th day of any month falls on a Sunday or a "Legal Holiday" listed in the Federal Rules of Civil Procedure 6(a)(6)(A), then the payment must be

1 received by the non-Sunday and/or non-Legal Holiday day before the 15th of that month. Payments must
2 be received by Plaintiff's counsel by the dates set forth above.

3 In the event of a default (including, but not limited to, any payment not being received by
4 Plaintiff's counsel by the deadline for that payment, or any check timely received but returned not paid by
5 the processing institution or by the filing for bankruptcy protection in any bankruptcy court in the United
6 States), counsel for Plaintiff shall send notice to the Court and all Counsel of Record via the CM/ECF
7 system advising of the non-payment, and Defendant shall be given seven (7) calendar days from the date
8 the payment should have been received, or the date of the filing of the default notice, whichever is longer,
9 to cure the default.

10 (4) Time is of the essence and the payments shall be made out to "Craig B. Friedberg Trust
11 Account" and received at the Law Offices of Craig B. Friedberg, Esq., 4760 South Pecos Road, Suite 103,
12 Las Vegas, Nevada 89121.

13 (5) Should Defendants fail to make any installment payment by the due date and fail to cure within
14 seven (7) calendar days from the longer of the filing of the default notice or the date the payment should
15 have been received, then upon a sworn declaration by Plaintiff's Counsel as to the default, Plaintiff shall
16 be entitled to a Judgment for the full amount [REDACTED] less any payments made pursuant to this
17 Consent Order and Confession of Judgment. Defendants agree to pay the actual attorneys' fees and costs
18 incurred by Plaintiff in order to enforce the Stipulated Consent Order and Plaintiff's collection of the
19 balance owed on the Judgment.

20 (6) In light of notice of a settlement in this matter being placed on the record [132] and entry of
21 this consent order, Plaintiff's motion to strike documents and testimony of Douglas Prince [129],
22 Plaintiff's 50(a) motion re: Defendants' bona fide error defense [130] and Plaintiff's 50(a) motion re:
23 Defendant's FDCPA violations and negligent FCRA violations are denied as moot.

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1 (7) This action may be administratively closed for statistical purposes with the right of any party
2 to reopen to enforce this Consent Order. Within fourteen (14) days of the completion of all payments by
3 Defendants, the parties shall file a stipulation of dismissal with prejudice in the case.

4 DATED this 9 day of August 2016.

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8 Lloyd D. George
9 UNITED STATES DISTRICT JUDGE

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